

REMARKS

Claims 1, 4 – 8 and 10 – 23 are pending in the present application. Claims 1, 4, 6, 7, 12 - 14 and 16 have been amended.

Claims 1, 4 – 8, 10 – 14 and 22 are Patentable Over *Majumdar*

Claims 1, 4 – 8, 10 – 14 and 22 were rejected under 35 USC §103(a) as being unpatentable over US Patent No. 6,221,453 (*Majumdar*).

Majumdar does not teach or suggest a label with all the limitation of Independent Claim 1. Claims 4 – 7 and 22 depend from Independent Claim 1 and thus contain all the limitations of Independent Claim 1. Independent Claim 1 recites:

A removable tire side wall label, comprising:

 a label face stock having a film stiffness of between 20 to 80 mg (Gurley), and a thickness of between 0.001 and 0.008 inches;

 the label face stock coated on a first side with a pressure sensitive rubber based adhesive having a thickness of between 0.001 and 0.004 inches, and

 a barrier coating between the label face stock and the adhesive, wherein the label face stock allows low molecular weight mobile substances from a tire to diffuse through.

The top layer in *Majumdar* corresponds with the label face sheet, which does not have barrier properties. The top layer in *Majumdar* is a barrier layer and is preferably a polyester, cellophane or polyvinyl acetate. See, e.g. *Majumdar* at Col. 3, lines 54 – 57 and Col. 4 at lines 1 - 4. *Majumdar* teaches away from a top layer without barrier properties, as the barrier properties are necessary so that the fluorescent dyes in the top layer are not deactivated by the migratory species in the tire. *Majumdar* does not teach or suggest a label with all the limitations of claim 1 or of claims 4 – 7 and 22 that depend therefrom. Therefore Claims 1, 4 – 7 and 22 are patentable.

Independent Claim 8 recites:

A tire label comprising:

 a label face stock;

 an adhesive coated on a first surface of the label face stock; and

 a barrier coating between the label face stock and the adhesive

 wherein the label face stock is a conformable polyolefin or polypropylene film and the barrier coating is a polyester film.

The top layer in *Majumdar*, which corresponds to the label face sheet of the inventive label. As discussed above the top layer has barrier properties. See, e.g. *Majumdar* at Col. 3, lines 54 – 57 and Col. 4 at lines 1 - 4. Polyolefin and polypropylene allow low molecular weight components in a tire to diffuse into the label stock. As discussed above *Majumdar* teaches away from a top layer without barrier properties, as the barrier properties are necessary so that the fluorescent dyes in the top layer are not deactivated by the migratory species in the tire. Thus, *Majumdar* does not teach or suggest a label

with all the limitations of 8 or claims 10 – 14 that depend therefrom. Accordingly Claims 8 and 1 – 14 are patentable.

Claims 15 – 21 And 23 Are Patentable *Majumdar* In Combination With *Tuttle*

Claims 15 – 21 and 23 were rejected under 35 USC §103(a) as being anticipated by *Majumdar* in view of US Patent No. 6375780 (*Tuttle*). The Examiner acknowledges that *Majumdar* does not teach or suggest a label with an RFID tag embedded in it. The Examiner asserts that *Tuttle* teaches an RFID tag and that one skilled in the art would substitute the RFID tag of *Tuttle* into the tag of *Majumdar*. *Tuttle* does not make up the deficiencies in *Majumdar*.

Claim 15 depends from Independent Claim 8 and thus has all the limitations of claim 8. As discussed above *Majumdar* does not teach or suggest a label with all the limitations of Claim 8. *Tuttle* relates to an RFID tag but does not make up the deficiencies in *Majumdar*. *Majumdar* alone or in combination with *Tuttle* does not teach or suggest a label with all the limitations of claim 15 including for example a label with a label face stock of “conformable polyolefin or polypropylene film and the barrier coating is a polyester film.” In fact, *Majumdar* teaches away from a top layer without barrier properties, as the barrier properties are necessary so that the fluorescent dyes in the top layer are not deactivated by the migratory species in the tire. Thus, Claim 15 is patentable.

Claims 21 and 23 depend from Independent Claim 1 and thus have all the limitations of claim 1. As discussed above *Majumdar* does not teach or suggest a label with all the limitations of Claim 1. *Tuttle* relates to an RFID tag but does not make up the deficiencies in *Majumdar*. *Majumdar* alone or in combination with *Tuttle* does not teach or suggest a label with all the limitations of claims 21 or 23 including for example a label with a label face stock that “allows low molecular weight mobile substances from a tire to diffuse through” In fact, *Majumdar* teaches away from a top layer without barrier properties as the barrier properties are necessary so that the fluorescent dyes in the top layer are not deactivated by the migratory species in the tire. Thus, Claims 21 and 23 are patentable.

Independent Claim 16 includes the limitation that “the label face stock allows low molecular weight mobile substances from a tire to diffuse through.” The top layer in *Majumdar* corresponds with the label face sheet of Claim 16. The label face sheet does not have barrier properties. The top layer in *Majumdar* is a barrier layer and is preferably a polyester, cellophane or polyvinyl acetate. See, e.g. *Majumdar* at Col. 3, lines 54 – 57 and Col. 4 at lines 1 - 4. *Majumdar* teaches away from a top layer without barrier properties, as the barrier properties are necessary so that the fluorescent dyes in

the top layer are not deactivated by the migratory species in the tire. Tuttle does not make up the deficiencies in *Majumdar*. *Majumdar* alone or in combination with *Tuttle* does not teach or suggest a label with all the limitation of Claim 16 or Claims 17 – 20 that depend therefrom.

CONCLUSION

Applicant asserts that all of the objections have been obviated and, therefore now respectfully requests withdrawal of the objections, and allowance of the application.

Respectfully submitted,

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